GOVERNMENT OF INDIA
SOCIAL JUSTICE AND EMPOWERMENT
LOK SABHA

UNSTARRED QUESTION NO:3155
ANSWERED ON:15.03.2000
EQUAL OPPORTUNITIES FOR HANDICAPPED PERSONS
ASHOK NAMDEORAO MOHOL;RAMSHETH THAKUR

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) the steps taken so far by the Government for the implementation of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act;

(b) the main provisions of the Act;

(c) the number of provisions implemented so far;

(d) whether any special programme for the rehabilitation of the physically handicapped has so far been launched by the Government; and

(e) if so, the details thereof and the achievements made thereunder, State-wise?

Answer

MINISTER OF STATE OF THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

SMT. MANEKA GANDHI

(a),(d) & (e) A statement is annexed as Annexure.I.
(b) & (c) A statement is annexed as Annexure. II.

ANNEXURE.I

Annexure.I referred to in respect of Part (a), (d) and (e) ofLok Sabha Unstarred Question No.3155 for answer on 15.3.2000, put up S/ Shri Ramsheth Thakur and Ashok N. Mohol, regarding `Equal Opportunities for Handicapped Persons`.

The Persons with Disabilities (Equal Opportunities, Protection of Rights & FullParticipation) Act,1995`, enacted and enforced from Feb., 1996 is an important landmark in Government of India`s efforts to ensure equal opportunities for persons with disabilities and their full participation in nation-building. It provides for both preventive and promotional aspects of rehabilitation like education, employment and vocational training, job reservation, research and manpower development, creation of barrier-free environment, rehabilitation for persons with disability, unemployment allowance for the disabled, special insurance scheme for disabled employees and establishment of homes for persons with severe disability etc.

2. The implementation of the provisions of the Act, requires a multi-sectoral collaborative approach, of all Ministries of the Central Government, the State Governments and other appropriate authorities. They have all been requested to take necessary action expeditiously. The following actions have been taken to implement various provisions of the Act: 1) The National Handicapped Finance & Development Corporation has beenoperationalised with effect from 24.10.97 to support entrepreneurial activity by the disabled. 2) Notification of Central Co-ordination Committee as per Section 3 of the Act. TheCommittee has undertaken two meetings so far. 3) Central Executive Committee has been notified. The Committee took four meetings so far to review the progress of implementation of the Act. 4) The Chief Commissioner for Persons with Disabilities has been appointed and hehas assumed the office w.e.f. 1.9.98. 5) Five Core Groups of experts and relevant Ministries have been set up to makerecommendations and formulate schemes to give effect to various provisions of the Act. 6) 3% reservation of jobs in government establishments and Public Sector Undertakings has been provided under the Persons with Disabilities (EqualOpportunities, Protection of Rights and Full Participation) Act, 1995, for the persons with disabilities. 7) The Ministry has set up an Expert Committee under the Chairmanship of Additional Secretary (SJ&E), to review the existing identification of posts (done in 1986) and toidentify more suitable posts. 8) Rules under section 73(1) and (2) have been notified. 9) The National Fund for People with Disabilities, which was set up under theCharitable Endowment Act, 1890 on 11.8.1983, has been activated and assistance has been sanctioned to non-government agencies. So far, 17 Projects have been sanctioned under the Scheme. 10) A new Scheme, namely, Viklang Bandhu has been formulated to provide training to disabled volunteers. The National Institutes and Regional Rehabilitation Training Centres have so far trained a number of Viklang Bandhus. 11) A Bill for setting up a National Trust forthe welfare of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities has been passed to provide support to those vulnerable categories and their families. 12) The Rehabilitation Council of India, which is statutory body for standardisation and training of rehabilitation professional, recognition of training institutions and registration of professionals, has recently taken up a plan for man-power in disability rehabilitation throughout the country. Funds have been allocated to RCI for thispurpose. 13) More State Governments have constituted State Coordination

Committee and State Executive Committee and have appointed Commissioner for Persons with Disabilities, to redress the grievances of the disabled persons. 14) A Conference of State Secretaries, in-charge of persons with disabilities was held on 14-15, Feb., 2000 at New Delhi to discuss the implementation of the Act. A Workshop of State Education Secretaries and State Labour Secretaries was also held at New Delhi to sensitise the State officials and to monitor the progress of implementation of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995. 15) An Inter-ministerial Group has been constituted to monitor the progress made by the Central Ministries who have specific obligations under the Act. 16) Two Schemes are being implemented for providing support to non-government agencies working for various programmes for rehabilitation of persons with disabilities. 17) In consonance with the policy of providing a complete package of welfare services to the physically, mentally, hearing and visually handicapped individuals and groups and in order to effectively deal with the multidimensional problems of the handicapped population, the Ministry of SJ &E has established six National/ Apex Institutes, each working in a specific area of disability. These institutes are apex- level organisations in the field of education, training, vocational guidance, counselling, research, rehabilitation and development of suitable service modules for the disabled. 18) The Artificial Limbs Manufacturing Corporation (ALIMCO), Kanpur was established in November, 1972 as a Public Sector Company with the main objective of developing and manufacturing standard aids and appliances for the disabled persons and to make them available at reasonable prices to them throughout India. It manufactures wheel chairs, tricycle, aritificial limbs, crutches and many other aids and appliances for the handicapped persons. 19) The District Rehabilitation Centre Scheme (DRC) was initiated by the Ministry of Social Justice & Empowerment during 1985 to provide comprehensive rehabilitation services to the rural disabled right at their door step in 11 districts of the country. Four Regional Rehabilitation Training Centres (RRTCs) have also been set up at Chennai, Mumbai, Cuttack and Lucknow for training and manpower development in the field of rehabilitation, particularly for the DRCs. 20) Under the Scheme of Employment of the Handicapped financial assistance is given to States for running special employment exchanges and normal employment exchanges, for persons with disabilities. 21) For providing suitable and cost-effective aids and appliances and improving the mobility and enhancement of employment opportunities for the disabled, the scheme of Science & Technology Project In mission Mode has been launched. Under this project, financial assistance is provided for generation of new technologies and guiding these to large scale use to meet social needs. 22) 3% reservation for the disabled in Government establishments is in operation since 1977 in respect of Group C & D identified posts. After enactment of the Act, this reservation has been extended in Group A & B identified posts vide DoPT`s order dated 18.2.97. Identification of posts for persons with disabilities in Group A, B, C &D posts has already been done in 1986. DOPT has also issued clarification that the existing identification of posts done in 1986 shall remain valid, till the same is modified by the Government of India. Instructions have also been issued vide letter dated 17.9.99 that all the recruiting agencies while sending the requisitions to the UPSC, SSC, etc. for filling up of posts, which have been identified as suitable for being manned by persons with disabilities, should furnish a certificate to the agencies that the policy relating to 3% reservation for persons with disabilities has been taken care of. A circular dated 4.7.1997 is also issued by DoPT providing points No.1, 34 & 67 in cycle of 100 vacancies in the 100 point register for reservation for the disabled persons, instead of point No. 33, 67 & 100 prescribed earlier, for the persons with disabilities in the posts filled by promotion

3. Further, the Government have, in the current year, formulated several schemes specifically for rehabilitation of persons with disabilities. These include six Composite Regional Resource Centres in different parts of the country to provide services for diffferent kinds of disabilities as outreach extension centres of the National Institutes in the disability sector; four Regional Resource Centres for persons with spinally injuries and orthopaedic disabilities as a Central Sponsored Scheme with Centre and State share on 90:10 basis; four Auxiliary Production Centres of Artificial Limb Manufacturing Corporation of India (ALIMCO) for easy availability of quality aids and appliances. A new four tier-scheme namely, National Programme for Rehabilitation of Persons with Disabilities has been recently approved in the State sector in order to create infrastructure at State/ District/ Block and Gram Panchayat level for providing comprehensive rehabilitation services to the handicapped. Funds are being released to the State Governments for implementation of the Scheme. In addition, more than hundred districts have been identified for providing comprehensive rehabilitation services at the doorsteps of persons with disabilities. Services identified include setting up of composite fitment and rehabilitation centres in collaboration between the National Institutes/ Artificial Limbs Manufacturing Corporation of India/ District Rehabilitation Centres under the Central Government and the District administration/ State Government respectively. A Bill for setting up a National Trust for the welfare of persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities has been passed to provide support to those vulnerable categories and their families.

ANNEXURE.II

Annexure.Ii referred to in respect of Part (b) & (c) of Lok Sabha Unstarred Question No.3155 for answer on 15.3.2000, put up S/ Shri Ramsheth Thakur and Ashok N. Mohol, regarding `Equal Opportunities for Handicapped Persons`.

`The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 has been enacted as Act No.1 of 1996. ensures equal opportunities for persons with disabilities and their full participation in the nation building. The Act provides for both preventive and promotional spects of rehabilitation like education, employment and vocational training, reservation, research and manpower development, creation of barrier-free environment, rehabilitation for persons with disability, unemployment allowance for the disabled, special insurance scheme for the disabled employees and establishment of homes for persons with severe disability etc. The Act has been enforced w.e.f. 7.2.1996.

2. The Act contain various provision, a brief of which is given in the following 14 Chapters. Chapter 1 defines disability. Chapter 2 creates a Central Coordination Committee and an Executive Committee. Chapter 3 creates state-level coordination committees and executive committees. The Central Coordination Committee will; Review and coordinate the activities of all government departments, governmental and non-governmental organisations n matters relating to disabled people advise Central Government on formulation of policies, programmes, laws and projects. take up the cause of disabled people with authorities working with international agencies look at funding policies of donor agencies in the light of their impact on disabled people. take other steps to ensure barrier-free environments in public and work places, schools and other public institutions. Chapter 4 details prevention and early detection of impairments. The Government must undertake surveys and research on impairments, give training and encourage awareness on

general health and sanitation, undertake pre-birth and after-birth care of mothers and infants and educate the public through the mass media. Chapter 5 gives governments and local authorities the duty of providing free education to disabled children to the age of 18. It promotes education in mainstream schools but special schools in public and private sectors must provide vocational training.
The State also has a duty to give every disabled child ` free of cost, special books and equipments needed for its education`. Chapter 6 makes one percent reservation in employment for each of the categories of blind people, Deaf people and those with mobility impairments. This means that employers must ensure that three percent of their staff are disabled people with these impairments. In Chapter 7 provision is made for disabled people to get plots of land at special rate for housing business, recreation, education, research or factory centres. Non- discrimination in physical access and transport is vital to disabled people in every country.
Chapter 8 gives the guarantee that railway carriages, buses, ships and aircraft will be designed to give easy access to disabled people. In all public places and in waiting rooms, toilets must be wheelchair accessible. Braille and sound symbols are also to be provided in lifts, hospitals, health centres and rehabilitation institutions. In addition, no employee can be sacked or demoted if they become disable during service, although they can be moved to another post with the same pay and conditions. No promotion can be denied because of impairment. Chapter 9 contains provisions for research and staff power development. Chapter 10 and 11 contains provisions for institutions for disabled people Chapter 12 says that the Central Government must appoint a Chief Commissionerfor disabled people, to act as a watchdog on the rights of disabled people. If the Commissioner learns of discrimination, he has the power to investigate it. State Governments must appoint state commissioners to perform the same function. Commissioners will have the same powers as a civil court and their investigations will be considered judicial proceedings under the Indian Penal Code or the Criminal Procedure Code. Chapter 13gives disabled people rights in insurance and unemployment allowance. Chapter 14 makes it a punishable offence (two years imprisonment with a fine of Rs. 20,000) if anyone tries to take any benefit meant for disabled people. Such benefits are given on the basis of a medical certificate and it has been pointed out that it might be better if this section contained a provision for punishment of doctors who issue false certificates. The implementation of the provisions of the Act requires inter-linkages of the policies and programmes of various Ministries. Various schemes have to be formulated in order to implement provisions of the Act. These schemes are basically to be implemented through various Ministries and Departments oftheGovernment of India and State/UT Governments, as follows:Prevention, Early Detection & Intervention- Ministry of Health and FamilyWelfare. b) Prevention, Early Detection & Intervention - Department of Women & Child Development, Ministry of Human Resource Development. c) Integrated Education - Deptt. of Education, Ministry of HumanResource Development. d) Barrier-Free Environment- Ministry of Urban Areas and Employment, Ministry of Surface Transport, Ministry of Railways and Ministry of Civil Aviation. e) Vocational Training & Employment - Ministry of Labour. f) Rural Employment - Ministry of Rural Development g) Setting up the institutes for training and rehabilitation, setting up of rehabilitatioan infrastructure in the districts and a variety of other stipulated activities.- Ministry of Social Justice & Empowerment. The implementation of the provisions of the Act, requires a multi-sectoral collaborativeapproach, of all Ministries of the Central Government, the State Governments and other appropriate authorities. They have all been requested to take necessary action expeditiously. A number of provisions of the Act have been implemented details of which are given in Annexure.I in reply to part (a), (d) & (e) of the question. Implementation of the provisions of the Act is a continuing process and no time limit can be specified for this purpose.